



## MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION WORK SESSION AND COMMISSION MEETING

THURSDAY, SEPTEMBER 11, 2025  
CITY HALL COUNCIL ROOM

WORK SESSION— 5:30 PM  
COMMISSION MEETING— 6:15 PM

### WORK SESSION MINUTES

#### PLANNING COMMISSION MEMBERS PRESENT

Chair Robert Bruderer, Commissioners Norbert Didier, Brittany Rocha, Pete Caldwell, Katy Wahlquist, and Brian Mitchell

#### PLANNING COMMISSIONERS EXCUSED

Commissioner Broc Gresham

#### STAFF PRESENT

Assistant City Manager Summer Palmer, Planner Alika Murphy, Communications and Events Manager Danielle Bendinelli, and Recorder Leesa Kapetanov

#### OTHERS PRESENT

No one else attended this meeting.

Note: The time stamps indicated in blue correspond to the audio recording of this meeting which can be found at:

[https://www.southogdencity.gov/document\\_center/Sound%20Files/2025/PC250911\\_1736.mp3?t=202509181739520](https://www.southogdencity.gov/document_center/Sound%20Files/2025/PC250911_1736.mp3?t=202509181739520)

or requested from the office of the South Ogden City Recorder.

#### I. CALL TO ORDER

- Chair Bruderer called the meeting to order at 5:37 pm. He then entertained a motion to open the meeting

00:00:00

**Commissioner Didier moved to begin the work meeting. The motion was seconded by Commissioner Caldwell. Commissioners Didier, Caldwell, Rocha, and Wahlquist all voted aye.**

Note: Commissioner Mitchell was not present for this vote. He arrived later in the meeting.

## II. REVIEW OF MEETING AGENDA

- No one requested review of agenda items

## III. DISCUSSION ITEMS

### A. Discussion on Current Code for Variances, Exceptions, and Appeals

- City Planner Alika Murphy led this discussion. She also used visuals for the discussion. See Attachment A.

00:00:41

## IV. ADJOURN

- At 6:10 pm, Chair Bruderer called for a motion to close the work session

00:32:30

**Commissioner Didier moved to close the work session. Commissioner Rocha seconded the motion. The voice vote was unanimous in favor of the motion.**

# PLANNING COMMISSION MEETING MINUTES

## PLANNING COMMISSION MEMBERS PRESENT

Chair Robert Bruderer, Commissioners Norbert Didier, Brittany Rocha, Pete Caldwell, Katy Wahlquist, and Brian Mitchell

## PLANNING COMMISSIONERS EXCUSED

Commissioner Broc Gresham

## STAFF PRESENT

Assistant City Manager Summer Palmer, Planner Arika Murphy, Communications and Events Manager Danielle Bendinelli, and Recorder Leesa Kapetanov

## OTHERS PRESENT

Natasha Burgard

**Note:** The time stamps indicated in **blue** correspond to the audio recording of this meeting which can be found at:

[https://www.southogdencity.gov/document\\_center/Sound%20Files/2025/PC250911\\_1814.mp3?t=202509181741020](https://www.southogdencity.gov/document_center/Sound%20Files/2025/PC250911_1814.mp3?t=202509181741020)

or requested from the office of the South Ogden City Recorder.

## I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES – Chair Robert Bruderer

- The chair called the meeting to order at 6:16 pm and called for a motion to open the meeting.  
00:00:00

**Commissioner Didier moved, followed by a second from Commissioner Wahlquist. Commissioners Didier, Caldwell, Rocha, Wahlquist, and Mitchell all voted aye.**

- Chair Bruderer called for a moment of silence in commemoration of the anniversary of 9-11  
00:00:40

## II. SPECIAL ITEMS

### A. Discussion on Proposed Update to Section 10-17-2-A7 - Off Street Parking Space and Driveway Requirements for Dwellings

- Planner Murphy gave an overview of this item  
00:00:52
- Discussion  
00:02:10

- The Commission directed staff to create an ordinance that allowed trailers to be parked in driveways if they were parked in the area closest to the house and did not cross the line that was halfway between the house and the property line

**B. Discussion on Proposed Update to Section 10-14-12A - Private Swimming Pools**

- Planner Murphy introduced the idea of changing the setbacks for pools  
00:41:29
- Discussion 00:42:48
- The consensus of the Commission was to change the setbacks to 6' on both the side and rear yard

**III. APPROVAL OF MINUTES OF PREVIOUS MEETING**

Approval of August 14, 2025 Planning Commission Minutes

- Chair Bruderer called for a motion concerning the minutes  
00:48:58

**Commissioner Didier moved to approve the minutes of the last planning commission meeting. Commissioner Mitchell seconded the motion. The voice vote was unanimous in favor of the motion.**

**V. STAFF REPORTS**

**A. Upcoming Items for Planning Commission**

1. Field Trip in September 00:49:45
2. WFRC Meet Up in October  
00:51:28

**VI. OTHER BUSINESS**

- Ms. Murphy informed the Commission that she would be attending a planning conference at the time of the next meeting. She asked if they wanted to cancel the meeting or schedule it for a different time. 00:53:11
- After discussion, the chair called for a motion to cancel the October commission meeting  
00:54:56

**Commissioner Caldwell moved to cancel the meeting. The motion was seconded by Commissioner Mitchell. All present voted aye.**

- Planner Murphy discussed the need for a member of the planning commission to be on the

subdivision preliminary review committee

00:55:14

- The Commission decided to have Commissioner Mitchell be the planning commission representative for the time being. He should also report back to them as to whether there was any value in the planning commission's participation in the review.

## VII. PUBLIC COMMENTS

- No one came forward to comment

## VIII. ADJOURN

- At 7:24 pm, Chair Bruderer called for a motion to adjourn

00:08:02

**Commissioner Wahlquist moved to adjourn. Commissioner Rocha seconded the motion. The voice vote was unanimous in favor of the motion.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, September 11, 2025.

  
Leesa Kapetanov, City Recorder

December 11, 2025

Date Approved by the Planning Commission

## **ATTACHMENT A**

Visuals for Variance, Exceptions, and Appeals Discussion

# APPEALS, EXCEPTIONS, VARIANCES CONTINUATION



## HEARING OFFICER

- Hearing Officer: Craig Call
- Hears appeals from staff decisions, special exceptions, and variances
- Information presented to the appeal officer must be based on fact not opinion
- Record of each submittal

**APPEAL HEARING APPLICATION** south ogden city

**APPLICANT INFORMATION:**  
Name \_\_\_\_\_ Phone \_\_\_\_\_ email \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Agents Name - (All information will be sent to the Agent)  
Phone \_\_\_\_\_ email \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**PROPERTY INFORMATION:**  
Property Address: \_\_\_\_\_  
Property Zoning: \_\_\_\_\_  
I am appealing:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE**  
Hearing scheduled: \_\_\_\_\_  
Request for Recommendation sent to the following by copy and return of this form:  
City Engineer - Date \_\_\_\_\_ Received back - Date \_\_\_\_\_  
Fire Dept. - \_\_\_\_\_  
Public Works - \_\_\_\_\_  
Other - \_\_\_\_\_

**RECOMMENDATION: (INCLUDE ATTACHMENT)**  
\_\_\_\_\_  
\_\_\_\_\_

**HEARING OFFICER ACTION:**  
\_\_\_\_\_  
\_\_\_\_\_

#### **10-4-3: Appeals**

Any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the administration or enforcement of this title, or any part of this code related to a decision of a land use application, land development, or city regulatory codes or a variance may take an appeal to the hearing officer. Appeals to the appeal authority may be taken by any officer, department, board or bureau of the city affected by the grant of or refusal to grant a building permit or by any other decision of an administrative officer or agency based on or made in the administration or enforcement of this title, or any part of this code related to a decision of a land use application, land development, or city regulatory codes or a variance.

1. **Time To Appeal:** Any appeal, under this section must be filed in writing with the city recorder within fourteen (14) calendar days of the issuance of the written decision applying the land use ordinance.
2. **Time For Hearing Appeal:** The hearing officer should hear the appeal within fifteen (15) to thirty (30) days of the date the appeal was filed.
3. **Written Statement Setting Forth Theories Of Relief Required:** The appellant shall deliver to the hearing officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth every theory of relief he intends to raise at the hearing, with a brief statement of facts in support.
4. **Condition Precedent To Judicial Review:** No theory of relief may be raised in the district court unless it was timely and specifically presented to the hearing officer.
5. **Standard Of Review And Burden Of Proof On Appeal:** The hearing officer shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.
6. **Due Process Rights:** The hearing officer shall respect the due process rights of each participant. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

#### **10-4-4: Stay Of Proceedings Pending Appeal**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the hearing officer after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the hearing officer or by the district court on application and notice and on good cause shown. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

#### **10-4-5: Notice Of Meeting On Appeal; Right Of Appearance**

The hearing officer shall fix a reasonable time for hearing the appeal, give public notice as well as due notice to the parties in interest and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

#### **10-4-6: Powers Of Hearing Officer On Appeal**

The hearing officer shall have the following powers:

1. **Appeals:** To hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of this title.
2. **Special Exceptions:** To hear and decide, under this title, requests for "special exceptions" or for interpretation of the map or for decisions on other special questions on which such authority is authorized by this title to pass.
3. **Variances:** To authorize, on an appeal, a variance from strict application of the regulations where, **exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulations enacted would cause peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property.** The variance from such strict application can be granted to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the master plan and this title. Before any variance may be authorized, however, it shall be shown that:
  1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of this title will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the plan.
  2. Special circumstances are attached to the property covered by the application which do not generally apply to other properties in the same zone.
  3. Because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
  4. In determining whether enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

**10-4-7: Decision On Appeal**

In exercising the above mentioned powers, such hearing officer may, in conformity with this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as thereby should be made, and shall have all the powers of the officer from whom the appeal is taken. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

**10-4-8: Vote Necessary For Reversal**

The favorable finding of the hearing officer shall be necessary to reverse any order, requirement or determination of any administrative official, or to decide in favor of the appellant on any matter upon the hearing officer is required or entitled to decide under this code, or to effect any variation in such code or title. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

**10-4-9: Judicial Review Of Appeal Authority's Decision; Time Limitation**

The city or any person aggrieved by a decision of the hearing officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the hearing officer files his decision in the office of the city recorder. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

**10-4-10: Time Limitation Of Variance**

If the hearing officer grants a variance under this chapter, alterations under the variance, if required, must be activated within six (6) months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the appeal authority, and then only if the petitioner shows adequate cause to the hearing officer that circumstances necessitate a time extension.

If it is the case that the variance granted permits the continuation of a previously nonconforming use, that use shall continue and shall run with the land. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

**10-4-11: Filing Fee**

Upon filing of any appeal or application to the appeal authority, the appellant or applicant shall pay to the city a fee prescribed by the city council. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the city treasurer and credited to the general fund. No appeal or application shall be considered by the hearing officer unless such fee has been paid. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

## SPECIAL EXCEPTIONS

**10-14-8B (fence regulations)**

B. Corner Lots: On corner lots, no fence or other similar structure may be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'), except a six foot (6') high fence may be placed not less than ten feet (10') away from the property's side yard property line, with said fence not to extend further toward the front of the property than a point equal to the front line of the house.

Provided, however, that the Hearing Officer may grant special exceptions as provided for in subsection 10-4-6B of this title, to allow fence types and fence heights of up to six feet (6') in height for public and semipublic buildings, including schools and churches, where the Hearing Officer finds: 1) the fence height is necessary for protection or safety of persons or property; 2) no significant adverse effect will be suffered by any surrounding property; and 3) the requirements of section 10-14-14 of this chapter are maintained.

D. Exceptions: The provisions of this section shall not apply to fences required by State law to enclose public utility installations and public schools. (Ord. 17-23, 11-21-2017, eff. 11-21-2017; amd. Ord. 21-05, 6-1-2021, eff. 6-1-2021)

#### **10-1-11: Temporary Exceptions**

- 1. Authority; Time Limit:** The chief building official has the authority to grant temporary exceptions from any term or condition of this title for a period not to exceed three (3) months, and for a total duration for any single tract of land, not to exceed six (6) months. A temporary exception may be granted by the chief building official with or without a prior recommendation on the matter from the Planning Commission.
- 2. Justification:** Such temporary exceptions may be granted by the chief building official when he determines that such a temporary exception is justified because of some unusual, emergency, act of God situation or that the health, safety, convenience, order and welfare of the inhabitants of the City will not be materially, adversely affected, if such temporary exception is granted. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

## **FORM-BASED CODE EXCEPTIONS AND VARIANCES**

### **10-5.1A-10-3: Exceptions And Variances**

- **Exceptions:**
- Intent: To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
- **Eligible Applicant:** Applicant is eligible to apply for an exception to this article upon submittal of an application for site plan approval, in cases that involve such standards as the following:
- **Regulating plan requirements:**
- Distribution of permitted subdistricts within one hundred feet (100') of required amount. (Substitution of subdistricts is not permitted.)
- Block size within one hundred feet (100') of required dimensions and with the provision of a midblock pedestrianway. (Refer to section 10-5.1A-1 of this article.)
- Street type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-2 of this article.)
- Open space requirement within one hundred feet (100') of required distance for no more than ten (10) units and with the availability of two (2) open spaces within that dimension. (Refer to sections 10-5.1A-1 and 10-5.1A-6 of this article.)
- Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
- **Site plan requirements:**
- Landscape requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-7 of this article.)
- Parking and loading facilities within one foot (1') of required dimensions. (Refer to section 10-5.1A-8 of this article.)
- Sign type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-9 of this article.)
- Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
- Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development. Staff shall report any exception request and its decision to the Planning Commission at their next meeting.

## CONDITIONAL USES

- Chapter 15 under Title 10 talks about conditional permits in the R-1, R-2, R-3, R-3A, and O-1 zones, but if you go to each zone's section, none have conditional uses.
- The only zone that has conditional uses is O-1 which is open space.
- Any zone under the form-based code has its own conditional use section.
- "Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter."

### 10-15-4. Review Procedure

A. Application: Application for a conditional use permit shall be made to the Planning Commission via assigned City staff using application forms provided by the City.

B. Information Required: At a minimum, detailed location, site, and building plans shall accompany an application for a conditional use. For a conditional use in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting following receipt of the completed application.

D. Public Hearing: The Planning Commission may hold a public hearing on any application if it is deemed to be in the public interest. If a public hearing is held, notice of the public hearing shall be sent at least ten (10) calendar days to the record owner of each parcel located within five hundred feet (500') of the property seeking a conditional use regardless of whether such property is located within the jurisdictional boundaries of the City. The Planning Commission shall take action on the application by the second meeting of the Planning Commission after the application filing date. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-5. Planning Commission Action

A. Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the use under the standards of section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

- The use is not an authorized conditional use in the zone where the use is proposed to be located.
- The use does not comply with the regulations and conditions specified in this title for such use;
- The anticipated detrimental effects of the use cannot be substantially mitigated by imposing reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the Planning Commission may consider any of the factors in section 10-15-6 of this chapter that may apply and then determine whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The Planning Commission may require an applicant to provide reasonably available information that the Planning Commission considers necessary to address such factors. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-7: Notice Of Decision

Within ten (10) days after the Planning Commission makes a final decision to approve or deny a conditional use permit, staff will send written notice to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the City Recorder. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-8: Appeal Of Decision

Any person adversely affected by a final decision of the Planning Commission regarding a conditional use permit may appeal such decision to the Hearing Appeals Officer as provided in section 10-4-3 of this title. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-9: Effect Of Approval

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or any other title of this Code. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-10: Amendment

A conditional use permit may be amended by following the original approval procedure set forth in this chapter. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-11: Transfer Of Permit

A conditional use permit may be transferred so long as the use authorized conforms to the terms of the permit. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-12: Enforcement Of Permit Requirements

The building official shall ensure development under a conditional use permit is undertaken and completed in compliance with the permit and any conditions pertaining thereto. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-13: Periodic Review

The Planning Commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-14: Revocation

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

- The holder or user of a permit has failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use.
- The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
- The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder Or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

### 10-15-15: Expiration

A. Substantial Action: A conditional use permit shall expire one year after issuance unless substantial action, as determined by the Planning Commission, is taken to implement the permit. Upon request by the holder or user of a permit, filed with the building official prior to the expiration date, the Planning Commission may grant a maximum extension not to exceed six (6) months.

B. Cessation Of Use: Once substantial action has been taken under a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one year (365 calendar days) or more. The permit holder shall be given written notice that the permit has expired. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

## CONDITIONAL USES

### **10-15-6 Conditional Use Standards**

This section sets forth standards to determine whether a conditional use will have any detrimental effect and if the requested use should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, relate to a particular conditional use, as requested or as proposed to be applied given the character of the site, and adjacent uses, the Planning Commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use. Any use not expressly permitted, or listed as a conditional use, is prohibited.

- A. General Plan: The proposed use conforms to applicable policies of the City's general plan.
- B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.
- C. Access: Access to the site avoids traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.
- D. Circulation: On site vehicle circulation and truck loading areas mitigate adverse impacts to adjacent property.
- E. Parking: The location and design of off street parking complies with applicable standards of this title.
- F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.
- G. Utility Services: Utility capacity is sufficient to support use at normal service levels.
- H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.
- I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely affect surrounding uses.
- J. Signs: Sign size, location, and lighting are compatible with, and are not likely to adversely impact, surrounding uses.
- K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to support use at normal service levels.
- L. Environmental Impact: The use does not significantly affect the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.
- M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

## FORM-BASED CODE CONDITIONAL USE PERMITS

### Conditional Use Permit:

1. Intent: To establish a process to review requests for the following:
  - a. Development of uses permitted within a zoning subdistrict, but that may not be appropriate for development on every lot within that subdistrict because of potential negative impacts associated with the use
2. Eligible Applicant: Applicant shall apply for a conditional use permit prior to the development, installation, or opening of a use in a core, general, or edge subdistrict, designated as a conditional use in section 10-5.1A-4 of this article.
3. Application: The following information shall constitute a complete application. Application shall be submitted in a form as determined by the city manager or designee.
  - a. Complete application, form, and applicable fees.
  - b. Applicant shall submit the following in compliance with the requirements of section 10-5.1A-4, "Uses," of this article:
    - (1) Site location map, legal description/limits of plan.
    - (2) Survey plat. Dimensions of property lines, easements, rights of way.
    - (3) Development boundaries and proposed phasing, if applicable.
    - (4) Map of existing category of uses and use descriptions on parcel and all adjacent parcels within six hundred feet (600'), utilizing nomenclature found in section 10-5.1A-4 of this article.
    - (5) Map of proposed category of uses and use descriptions, utilizing nomenclature found in section 10-5.1A-4 of this article.
    - (6) Statement of intent. Statement describing existing and proposed use and zoning classification.

### Application Process Time Line: Upon submittal of a complete application, the application will be reviewed using the following process and time line:

- a. The staff review committee shall review and make recommendations on the application within thirty (30) days of the submission of the complete application.
- b. The city manager or designee shall render a decision to approve or disapprove the application within forty five (45) days of the submission of the complete application.
  - (1) Forty five (45) days may be extended with the applicant's written consent.
  - (2) The city manager or designee may approve, approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
- c. If a site plan approval is being sought for the same property, the conditional use permit shall be submitted concurrently and the time lines shall match. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)